



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRW

In re application of)
)
Maurice Eduardus Theodorus VAN ESBROECK, et al.)
)
Serial No.: 10/758,926) Art Unit: 3643
)
Filed: January 16, 2004) Examiner:
)
For: METHOD FOR PROCESSING POULTRY)
)

Date: September 10, 2004
Attorney No. V0028/296360

MAIL STOP MISSING PARTS
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING
I hereby certify that this document and all documents mentioned therein is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313 on: September 10, 2004

Colleen T. Kadian
Colleen Kadian

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION
AND PETITION UNDER 37 C.F.R 1.47(a)
AND PETITION FOR EXTENSION OF TIME**

Sir:

In response to the Notice To File Missing Parts of Nonprovisional Application dated April 21, 2004.

Remarks begin on page 2

Statement of Facts begin on page 3

Petition For Extension of Time is on page 4

Copy of the Notice to File Missing Parts of NonProvisional Application is Exhibit 1

Combined Declaration for Patent Application and Power of Attorney is Exhibit 2

Declaration of pertinent facts is Exhibit 3

REMARKS

Co-Applicants Maurice Eduardus Theodorus VAN ESBROECK and Adrianus Josephes VAN DEN NIEUWELAAR through the undersigned attorney, submit this response to the Notice to File Missing Parts of NonProvisional Application mailed on April 21, 2004, along with this petition under 37 CFR 1.47(a). Attached as Exhibit 1 is a copy of the Notice to File Missing Parts of NonProvisional Application.

STATEMENT OF FACTS

A. Oath/Declaration

Attached as Exhibit 2 are Declarations by the Inventors as required by 37 CFR 1.63 executed by Maurice Eduardus Theodorus VAN ESBROECK and Adrianus Josephes VAN DEN NIEUWELAAR.

B. Proof that the Applicant/Inventor Refuses to Execute the Application Papers

Attached as Exhibit 3 is a declaration by Cornelis Bertus Wilhelmus Kerkdijk, setting forth documentation evidencing that Rabdoud Hubert Gerard ZWANIKKEN has refused to sign the required documentation.

C. Statement of Last Known Address

The last known address of Applicant/Inventor Rabdoud Hubert Gerard ZWANIKKEN is:

Rabdoud Hubert Gerard ZWANIKKEN
De Hultst 33
8531 SC Boxmeer, Netherlands

Co-Applicants Maurice Eduardus Theodorus VAN ESBROECK and Adrianus Josephes VAN DEN NIEUWELAAR respectfully request that this petition be granted.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/758,926	01/16/2004	Van Esbroeck	V0028/296360

CONFIRMATION NO. 6540

FORMALITIES LETTER



OC000000012404968

23370
 JOHN S. PRATT, ESQ
 KILPATRICK STOCKTON, LLP
 1100 PEACHTREE STREET
 SUITE 2800
 ATLANTA, GA 30309

Date Mailed: 04/21/2004



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

09/14/2004 HBELETE1 00000016 10758926

01 FC:1051

130.00 DP

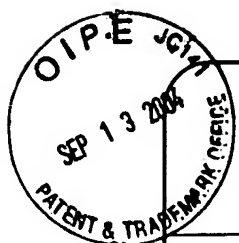
*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to read 'M. Agostini', is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1210

Complete if Known

Application Number 10/758,926
Filing Date 01/16/2004
First Named Inventor Van Esbroeck
Examiner Name Not Assigned
Art Unit 3643
Attorney Docket No. V0028/296360

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit
Account
Number 11-0855

Deposit
Account
Name KILPATRICK STOCKTON LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below	Fee Paid
Total Claims	-20 **	0	X	0
Independent Claims	-3 **	0	X	0
Multiple Dependent			X	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	130
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	950
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 1210

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Catherine E. Fienning	Registration No. (Attorney/Agent)	54,095	Telephone	404-815-6500
Signature		Date	September 10, 2004		


WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

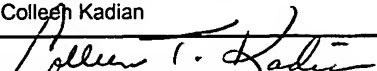
This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/758,926
	Filing Date	01/16/2004
	First Named Inventor	Van Esbroeck
	Art Unit	3643
	Examiner Name	Not Assigned
Total Number of Pages in This Submission	Attorney Docket Number	V0028/296360

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="text-align: center;">Request For Issuance Of A Corrected Filing Receipt</p>
<div style="border: 1px solid black; padding: 5px; width: fit-content;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Catherine E. Fienning, Reg. No. 54,095 Kilpatrick Stockton LLP
Signature	
Date	September 10, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Colleen Kadian		
Signature		Date	September 10, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.